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8 Chapter 7 Trustee

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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION

In re Case No. 8:21-bk-11710-ES
11 JAMIE LYNN GALLIAN, Chapter 7
12 Debtor. **AMENDED NOTICE OF HEARING ON**
13 **APPLICATION OF THE CHAPTER 7 TRUSTEE**
14 **TO EMPLOY REAL ESTATE BROKER**
15 **COLDWELL BANKER REALTY AND AGENTS**
16 **WILLIAM FRIEDMAN AND GREG BINGHAM**
17 **PURSUANT TO 11 U.S.C. §§ 327 AND 328**
18 **[16222 Monterey Lane, Space #376,**
19 **Huntington Beach, CA 92649]**
20 **Rescheduled Hearing Information:**
21 DATE: September 13, 2022
TIME: 11:00 a.m.
CTRM: 5C, Via ZoomGov
22 **Original Hearing Information:**
23 DATE: August 18, 2022
TIME: 10:30 a.m.
CTRM: 5A, Via ZoomGov

**TO THE OFFICE OF THE UNITED STATES TRUSTEE AND ALL PARTIES IN
INTEREST:**

PLEASE TAKE NOTICE that on **September 13, 2022 at 11:00 a.m.** in courtroom 5C of the United States Bankruptcy Court located at 411 West Fourth Street, Santa Ana, California, a hearing will be held on the *Application of the Chapter 7 Trustee to Employ Real Estate Broker Coldwell Banker Realty and Agents William Friedman and Greg Bingham Pursuant to 11 U.S.C. §§ 327 and 328* [Dkt. 162] ("Application")¹ filed by Jeffrey

¹ All capitalized terms not expressly defined herein shall have the meanings provided in the Application.

1 I. Golden, the Chapter 7 trustee ("Trustee") for the bankruptcy estate ("Estate") of Jamie
2 Lynn Gallian ("Debtor") in the above-captioned case.

3 1. On July 9, 2021 ("Petition Date"), the Debtor filed a voluntary petition under
4 Chapter 7 of the Bankruptcy Code, including her bankruptcy schedules ("Schedules").
Jeffrey I. Golden was appointed the Chapter 7 trustee. Since filing her original Schedules,
the Debtor has filed at least nine sets of amended schedules.

5 2. On the Petition Date, the registered title owner of the manufactured home
located at 16222 Monterey Lane, Space #376, Huntington Beach, California 92649
("Property"), which is Debtor's residence, was J-Sandcastle Co, LLC. According to the
Debtor's Schedules, she was the 100% owner of J-Sandcastle Co, LLC.

6 3. The Debtor claimed a homestead exemption in the Property in the amount of
7 \$600,000. On May 12, 2022, Houser Bros. Co., dba Rancho Del Rey Mobile Home
Estates, filed its Motion Objecting to Debtor's Claimed Homestead Exemption (Dkt. 95,
9 "Motion"). The hearing on the Motion was held on June 2, 2022 and continued to July 21,
2022. At the continued hearing, the Court granted the Motion and disallowed any claim of
10 exemption by the Debtor in the Property.

11 4. The Trustee intends to administer the equity in the Property upon further
12 court order to pay claims of creditors and expenses of administration.

13 5. The Trustee has solicited the assistance of Coldwell Banker Realty, a
14 licensed California real estate broker ("Broker"), and William Friedman and Greg Bingham
(together, "Agents"), agents of the Broker, in determining the value of the Property. Mr.
Bingham has advised the Trustee that the fair market value of the Property is at or near
15 \$300,000.

16 6. To facilitate the sale of the Property, the Trustee seeks to employ an
17 experienced and reputable real estate broker and proposes to employ the Broker and the
Agents pursuant to 11 U.S.C. §§ 327(a) and 328. The Broker has agreed to advertise the
Property, to market and show the Property, to represent the Estate in connection with the
sale of the Property, and to advise the Trustee with respect to obtaining the best offer for
18 the sale of the Property.

19 7. The terms of employment agreed to by the Trustee, subject to approval of
20 the Court, as set forth in the residential listing agreement, manufactured home listing
addendum, and addendum to exclusive authorization and right to sale (together, "Listing
21 Agreement") attached to the Application, are as follows:

22 a. The Broker will have an exclusive listing on the Property, and the
listing price will be \$300,000. The Listing Agreement, including the listing price,
23 may be modified by the Trustee in his discretion. The listing and sale of the
Property is subject to Bankruptcy Court approval, and any sale of the Property will
be "as is," without any representations, guarantees or warranties of any kind,
whether expressed or implied, by the Trustee. Upon the presentation of an
acceptable purchase offer for the Property, the Trustee will file a motion seeking
24 court authority to sell the Property and pay the total broker's commission of six
percent (6%) from the sale proceeds through escrow. A commission shall be paid
25 only if the Property is sold by the Trustee. The Trustee's motion will contain an
overbid procedure.

26 b. The Agents are informed and understand that no sale may be
consummated until after notice and a hearing. Further, the Agents are aware of the
provisions of 11 U.S.C. § 328(a) and understand and accept that, notwithstanding
27 the terms and conditions of employment and compensation provided in the Listing
28

1 Agreement, the Court may allow compensation different from the compensation
2 provided under such terms and conditions after the conclusion of such
3 employment, if such terms and conditions prove to have been improvident in light
4 of developments not capable of being anticipated at the time of the fixing of such
5 terms and conditions.

6 8. The Agents are well qualified to represent the Trustee and the Estate in
7 connection with the marketing and sale of the Property.

8 **PLEASE TAKE FURTHER NOTICE that the hearing will be conducted**
9 **remotely using ZoomGov. Video and audio connection information for the hearing**
10 **will be provided on Judge Clarkson's publicly posted hearing calendar, which may**
11 **be viewed online at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=SC>.**

12 **Your Rights May be Affected.** You should read these papers carefully and
13 discuss them with your attorney, if you have one. If you do not have an attorney, you may
14 wish to consult one.

15 **Deadline for Opposition Papers.** The Motion is being heard on regular notice
16 pursuant to LBR 9013-1. If you wish to oppose the Motion, you must file a written
17 response with the Court and serve a copy of it upon the Movant or Movant's attorney at
18 the address set forth above no less than **14 days** prior to the above hearing date. If you
19 fail to file a written response to the Motion within such time period, the Court may treat
20 such failure as a waiver of your right to oppose the Motion and may grant the requested
21 relief.

22 **Hearing Date Obtained Pursuant to Judge's Self-Calendaring Procedure.** The
23 undersigned hereby verifies that the above hearing date and time were available for this
24 type of Motion according to the judge's self-calendaring procedures.

25 **PLEASE TAKE FURTHER NOTICE** that any party requesting a copy of the
26 Application or any supporting documents filed with the Court with respect to the Motion
27 may contact the Trustee, Jeffrey I. Golden, by email at jgolden@go2.law, by mail at
28 P.O. Box 2470, Costa Mesa, California 92628-2470, or by telephone at (714) 966-1000.

29 Dated: August 22, 2022

30 _____
31 /s/ *Jeffrey I. Golden*
32 JEFFREY I. GOLDEN
33 Chapter 7 Trustee

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**650 Town Center Drive, Suite 600
Costa Mesa, California 92626**

A true and correct copy of the foregoing document entitled (specify): Amended Notice Of Hearing On Application Of The Chapter 7 Trustee To Employ Real Estate Broker Coldwell Banker Realty And Agents William Friedman And Greg Bingham Pursuant To 11 U.S.C. §§ 327 And 328 will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) August 22, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Aaron E DE Leest adeleest@DanningGill.com, danninggill@gmail.com;adeleest@ecf.inforuptcy.com
Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com
Jeffrey I Golden (TR) lwerner@wglp.com, jig@trustesolutions.net;kadele@wglp.com
D Edward Hays ehays@marshackhays.com,
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.co
m
Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
Eric P Israel eisrael@DanningGill.com, danninggill@gmail.com;eisrael@ecf.inforuptcy.com
Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com
Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
Valerie Smith claims@recoverycorp.com
United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) August 22, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Jamie Lynn Gallian
16222 Monterey Ln Unit 376
Huntington Beach, CA 92649
Debtor

William Friedman
1608 Montana Avenue
Santa Monica, California 90403

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) August 22, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

8/22/2022
Date

Gloria Estrada
Printed Name


Signature

SERVED BY UNITED STATES MAIL:

Internal Revenue Service
PO Box 7346
Philadelphia, 19101-7346

Gordon Rees Scully & Mansukhani
5 Park Plaza Ste. 1100
Irvine, CA 92614-8502

Houser Bros. Co. dba Rancho Del Rey Mobile H
c/o Marshack Hays LLP
870 Roosevelt
Irvine, CA 92620-3663

Houser Bros. Co.
DBA Rancho De1 Rey Estates
16222 Monterey Ln
Huntington Beachr CA 92649-6214

Huntington Beach Gables H0A
c/o Feldsott & Lee
23161 Mill Creek Dr. Ste. 300 Laguna
Hills, CA 92653-7907

Huntington Beach Gables Homeowners
Association
Epstein, Grinnel & Howell, APC
10200 Willow Creek Rd Ste 100
San Diego CA 92131-1655

James H Cosello
Casello & Lincoln,
525 N Cabrillo Park Dr. Ste 104
Santa Ana, CA 92701-5017

Feldsott & Lee
23161 Mill Creek Drive Ste 30O
Laguna Hills, CA 92653-7907

Danning, Gill, Israel & Krasnoff LLP
1901 Ave of The Stars, Ste
Los Angeles CA 90067-6006

Lisa T. Ryan
20949 Lassen St. Apt 208
Chattsworth, CA 91311-4239

Orange County Alternate Defender
600 Santa Ana Blvd, Ste 600
Santa Ana CA 92701-4552

Patricia Ryan
20949 Lassen St. Apt 208
Chattsworth, CA 91311-4239

Robert P. Warmington Co.
c/o BS Investors
18201 Von Karmen Ste. 450
Irvine, CA 92612-1195

Randall Nickel
11619 Inwood Drive,
Riverside, CA 92503-5000

Randall Nickell
4476 Alderport Dr.
Huntington Beach. CA 92649-2288

Randell Nickel
c/o Mark Mellor, Esq.
6800 Indiana Ave. Ste. 220
Riverside, CA 92506-4267

United Airlines
233 S. Hacker Dr.
Chicago, IL 60606-6462

United Airlines
P.O. Box 0675
Carol Stream, 60132-0675

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PO BOX 5229
CINCINNATI OH 45201-5229

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18201 Von Karmen Ste. 450
Irvine, CA 92612-1195

S4 A California Limited Partnership
1001 Cove St Ste 230
Newport Beach CA 92660

LPL Asset Management Co.
18201 Von Karmen Ste. 450
Irvine, CA 92612-1195